



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
WALLA WALLA DISTRICT, CORPS OF ENGINEERS  
IDAHO FALLS REGULATORY OFFICE  
900 N SKYLINE DRIVE, SUITE A  
IDAHO FALLS, ID 83402

May 17, 2012

Regulatory Division

SUBJECT: NWW-2012-216-102

Jay Winfield, Acting District Ranger  
US Forest Salmon-Cobalt Ranger District  
311 McPherson Street South  
Salmon, ID 83467

Dear Mr. Winfield:

This is in response to your March 12, 2012 letter requesting our comments on the Panther (Big Creek) Hot Springs Geothermal Leasing Project. Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit be obtained for the discharge of dredged or fill material into waters of the United States. This includes most perennial and intermittent rivers and streams, natural and man-made lakes and ponds, and wetlands, as well as irrigation and drainage canals and ditches that are tributaries to other waters. Activities regulated under Section 404 include excavation and mechanized landclearing activities which result in the discharge of dredged material and destroy or degrade waters of the United States.

Based on the information provided, it appears that the proposed geothermal leasing area contains streams and wetlands subject to our jurisdiction. If any future development projects will involve the discharge of dredged or fill material in waters of the United States, including wetlands, a Department of the Army permit may be required prior to the start of construction. If so, the developer will need to complete and submit a permit application, which can be found on our website at [http://www.nww.usace.army.mil/html/offices/op/rf/joint\\_app.asp](http://www.nww.usace.army.mil/html/offices/op/rf/joint_app.asp) for processing and evaluation. Please be advised that starting work before obtaining the required Department of the Army permit constitutes a violation of Section 404 of the Clean Water Act and could result in legal action. If you have any questions concerning these regulatory matters, please contact Shane Slate at 208-765-8961, or by email at [shane.p.slate@usace.army.mil](mailto:shane.p.slate@usace.army.mil).

Sincerely,

Beth Reinhart  
Regulatory Project Manager